

EXHIBIT

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THE
GENERAL
LAWS OF PENNSYLVANIA,
= Laws, Statutes, etc.

FROM THE YEAR 1700, TO APRIL 1849,

CHRONOLOGICALLY ARRANGED:

WITH

NOTES AND REFERENCES,

TO ALL THE DECISIONS OF THE

Supreme Court of Pennsylvania,

GIVING CONSTRUCTION TO SAID LAWS:

WITH A COPIOUS AND MINUTE INDEX.

SECOND EDITION.

COMPILED BY JAMES DUNLOP,
OF PITTSBURGH.

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No. 197 CHESNUT STREET.
1849.

*Laws passed at a Session which commenced October 15th,
1759, and ended April 21st, 1760.*

JAMES HAMILTON, LIEUTENANT-GOVERNOR.

CHAPTER XLVI.

1760.

AN ACT TO PREVENT THE HUNTING OF DEER, AND OTHER WILD BEASTS, 9 April.
BEYOND THE LIMITS OF THE LANDS PURCHASED OF THE INDIANS BY
THE PROPRIETARIES OF THIS PROVINCE, AND AGAINST KILLING DEER
OUT OF SEASON.

I. [Relating to hunting on Indian lands, is obsolete.]

II. The constable of each respective township, in every county of this pro- Constables
vince, having any knowledge of any offences against this act, shall, and he is to present
hereby required, under the penalty of five pounds, to present, on oath, or offences
affirmation, every such offence to some one justice of the peace of their respect- against this
ive counties, or before the justices of the general quarter sessions of the peace
for the same county, together with the name or names of all such offenders,
that they may be tried, agreeable to the directions of this act.

III. If any person or persons shall, after the publication of this act, hunt, Forfeitures
chase, or follow, with a design to kill, or shall kill or destroy, any buck, doe for hunting,
or fawn, within the lands already, or hereafter to be purchased of the Indians, except, &c.
at any other time or season, excepting only between the first day of the month
of August and the first day of the month of January, and shall be lawfully
convicted thereof, by the oaths or affirmations of one or more credible wit-
nesses, or the confession of the party, before one or more justices of the peace
for the respective county where such offence shall be committed, he or they
shall forfeit and pay the sum of three pounds for every such offence, to the
uses aforesaid; provided such conviction be made within six months after
such offence committed.

IV. And for the more certain convicting of offenders against this act, Manner of
every person, in whose custody shall be found, or who shall expose to sale, convicting.
any green deer skins, fresh venison, or deer's flesh, at any other time of the
year than what is before excepted, such green deer skins, fresh venison, or
deer's flesh shall be deemed and taken as evidence of the guilt of the person,
in whose custody the same shall be found.

V. Nothing contained in this act shall be deemed or construed to extend
to any free native Indians carrying guns, hunting, killing, and having in their
custody any skins or deer's flesh for their own use, any thing in this act to
the contrary notwithstanding.

VI. And whereas divers abuses, damages and inconveniences, have arisen
by persons carrying guns, and presuming¹ to hunt on other people's lands :
For remedy whereof, for the future, If any person or persons shall presume, Penalty on
at any time after the publication of this act, to carry any gun, or hunt on hunting.
any² inclosed or improved lands of any of the inhabitants of this province,
other than his own, unless he shall have license or permission from the owner
of such lands, or shall presume to fire a gun on or near any of the king's
highways, and shall be thereof convicted, either upon view of any justice of
the peace within this province, or by the oath or affirmation of any one or
more witnesses, before any justice of the peace, he shall, for every such
offence, forfeit the sum of forty shillings.

(1) The right of hunting and fowling at seasonable times on all lands not inclosed, and to fish in all boatable waters, and others not private property, was secured to the inhabitants of the state by the 43d section of the Constitution of 1776. 1 Dal. ed.; App. 60.

(2) See the act of the 7th of March, 1821, 7 Sm. L. 386, against hunting on the inclosed grounds in the counties of Philadelphia and Delaware.

1760. VII. No person whatsoever shall presume to shoot at, or kill with a fire-arm, any pigeon, dove, partridge, or other fowl, in the open streets of the city of Philadelphia, or in the gardens, orchards and inclosures, adjoining upon, and belonging to any of the dwelling-houses within the limits of the said city, or suburbs thereof, or any of the boroughs or towns within this province, upon the forfeiture of forty shillings for every such offence, to be convicted in manner aforesaid.

9 April. No person to shoot pigeons, &c. in the streets. Killing any game on the sabbath-day. VIII. If any person or persons shall hunt or kill any kind of game on the sabbath-day, and shall be convicted thereof in manner last aforesaid, every such offender shall forfeit and pay the sum of forty shillings for every such offence.

Appropriating forfeitures, &c. IX. All which penalties and forfeitures, not herein before appropriated, shall be paid, one moiety thereof to the informer, and the other to the overseers of the poor of the township where such offence is committed, for the use of the poor of the said township; but if convicted upon view of a justice of the peace, the whole forfeiture shall be paid to the overseers of the poor of the said township, for the use of the poor of said township; and if the offender refuse to pay, the same shall be levied by distress and sale of the offender's goods, by warrant, under the hand and seal of the justice before whom such offender shall be convicted, returning the overplus, if any, to the owner, the charge of distraining being first deducted; and for want of such distress, he shall be committed to prison, where the forfeiture is three pounds, for the space of thirty days; and where the forfeiture is forty shillings, for the space of twenty days without bail or mainprize; and if such offender be a negro, or mulatto slave, he shall, instead of such imprisonment, be publicly whipped, at the direction of the magistrate, not exceeding thirty-one lashes, unless the master or mistress of such slave shall pay the fine or fines hereby inflicted.

X. [Repealing former act about Attachments under 40s. 12 Wm. III.]
Passed 9th April, 1760.—1 Sm. L. p. 227.

Laws passed at a Session which commenced October 14th, 1761, and ended May 14th, 1762.

JAMES HAMILTON, LIEUTENANT-GOVERNOR.

1762.

CHAPTER XLVII.

17 Feb. AN ACT FOR THE MORE EFFECTUAL PREVENTING AND SUPPRESSING OF LOTTERIES.

[The preamble is omitted.]

All lotteries nuisances.

Penalty on persons erecting.

I. All lotteries¹ whatsoever, whether public or private, are common and public nuisances, and against the common good and welfare of this province.

II.² From and after the publication of this act, no person or persons whatsoever, shall publicly or privately set up, erect, make, exercise, keep open, show or expose to be played at, drawn at, or thrown at,³ or shall cause or procure the same to be done, either by dice, lots, cards, balls, tickets, or any other numbers or figures, or in any other manner or way whatsoever; and that every person or persons that shall set up, erect, make, exercise, keep open, show, or expose to be played at, drawn, or thrown at, any such lottery, play or device, or that shall cause or procure the same to be done, after the publication of this act, and shall be thereof legally convicted in any court of

(1) What is a lottery. 4 S. & R. 151.

(2) This section seems to be repealed by the 1 March, 1833, but is retained in the Digests.

(3) There is an omission in the roll, 1 Sm. L. 246, of the words any lottery, play, or device.